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SUBJECT: CHAVEZ MOVING FORWARD TO REMOVE TERM LIMITS

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Classified By: POLITICAL COUNSELOR FRANCISCO FERNANDEZ,
FOR REASON 1.4(D)

¶1. (C) Summary: Chavez announced December 1 that his United Socialist Party of Venezuela (PSUV) would begin preparing a constitutional amendment to allow indefinite presidential reelection. Chavez said he hopes his supporters would send the proposed amendment to the National Electoral Council as early as January, with the aim of holding a referendum in February. Political pundits argue that Chavez is pushing for a quick vote to take advantage of PSUV wins in the November 23 state and local elections before what many project to be a looming economic crisis hits. Chavez has constructed a legal argument to counter allegations that his proposal violates the constitution, and two CNE rectors have already called the amendment process "viable" by February. End Summary.

CHAVEZ ATTACKS OPPOSITION, PROPOSES AMENDMENT

¶2. (SBU) Chavez announced November 29 at a Vargas State political rally that the people and the armed forces were ready to "erase" whatever plan the opposition might have to "end the revolution" and "reactivate the scenario from 2002," a reference to the failed April 2002 coup. The President also rejected calls for political reconciliation, claiming within hours of the elections that the opposition had begun preparing layoffs and plans to attack the popular social "misiones" programs. He accused the new opposition governors of Miranda and Zulia States of fascism and "threatening the people." After reminding the audience that his term expires in 2013, Chavez told his supporters, "when I see that fascism, I ask God for forgiveness, because I am a Catholic and a Christian, uh ah, Chavez doesn't go!" At a December 1 press conference, PSUV director Vanessa Davies said ending presidential term would heed "the call of the people" and that the party would not "veer from our objective" to move forward on the amendment proposal.

¶3. (SBU) Chavez, in a mandatory December 2 "cadena" television and radio broadcast from Miranda State announced that "what we could do, simply, is eliminate a phrase" from Article 230 of the Constitution that allows for only one immediate, consecutive presidential term. He claimed that this reelection "battle" could be won, and that "I, as of now, nominate myself as a presidential candidate for 2012," telling supporters that it was too soon for his retirement. The next day, Chavez announced at a Sucre State rally that the amendment process would go through the National Assembly

(AN) rather than being initiated with the constitutionally required signatures of fifteen percent of registered voters. Chavez explained that "the path through the National Assembly has an advantage: it is much faster." The AN is heavily dominated by PSUV deputies, whereas Chavez would have to collect 2.5 million signatures to pursue the other method. The President went on to attack the only politically independent rector in the CNE, Vicente Diaz, for his criticism of the proposed amendment. Chavez argued that Diaz's comments were inappropriate, and asked that he "reconsider or resign" his position.

THE AMENDMENT PROCESS

¶4. (C) Title 9 of the Venezuelan constitution permits three methods for altering the constitution: by amendment, reform, or constituent assembly. An amendment is intended for minor wording changes, a reform is for more major alterations that do not affect the overall spirit of the constitution, and a constituent assembly is reserved for a complete overhaul of both the spirit and wording of the constitution. Constitutional legal expert Jose Vicente Haro told Poloff December 3 that Chavez is pursuing an amendment, rather than a reform -- as he did in December 2007 -- in order to be able to argue that he is not violating the prohibition on proposing the same constitutional change more than once in a single presidential term. Haro offered the same rationale for why Chavez is having "the people" via the AN initiate the amendment process, rather than doing so personally or through his cabinet, since that is how he proposed the reform last year. According to Article 341 of the constitution, 30 percent of the National Assembly members must support the amendment. The CNE then calls for the proposed amendment to be put to a vote in a national referendum, which can be

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called no earlier than 30 days prior to the voting date, to permit debate over the topic at hand, according to Haro. Passage or not is determined by a simple majority of the vote.

¶5. (C) Haro contended that critics of Chavez's proposal are making the wrong argument when they point to the amendment as an illegal repeat of last year's reform. He suggests that a comparatively stronger legal case is that the amendment proposal violates articles 2 and 6 of the 1999 Constitution, which deal respectively with democracy and alternation of power. Haro noted that whatever the outcome of a popular referendum, the amendment itself cannot violate articles of the constitution. Even if Chavez is able to pass the amendment, any Venezuelan citizen could challenge its constitutionality after the fact before the Supreme Court. Nevertheless, Haro said he did not expect the politicized court system to rule against the passage and implementation of such an amendment.

CNE CLAIMS AMENDMENT "VIABLE"

¶6. (SBU) CNE vice president Yaneth Hernandez announced December 2 that pursuing a constitutional amendment would be "perfectly viable" in February. The poll workers from November's state and local elections would carry on their duties -- which are obligatory -- a second time, since their designation as "members of table" lasts a year. CNE Rector German Yopez made similar statements to state media. CNE Rector Vicente Diaz, however, told the local media that he thought the CNE should be afforded some eight months to prepare properly for such a referendum. CNE president Lucena Tibisay announced that as of December 3, she had not received a petition for an amendment referendum and that the CNE would receive a "much deserved" break -- of an unspecified length -- after closing the November 23 state and local elections.

OPPOSITION, DISSIDENT REACTION

¶17. (SBU) Civil society groups have reacted swiftly to Chavez's proposal. On December 2, members of the NGO Active Citizens initiated a campaign in Caracas with the slogan "no is no, respect the people's will," in reference to the failure of the December 2007 referendum. The popular former opposition mayor of Chacao, Leopoldo Lopez, called the same day for "an alliance around the constitution," telling supporters in Anzoategui State that they should not waste time discussing the legality of the proposal but instead move immediately to unify the electorate to vote against the reform. Student leader Juan Mejias from Simon Bolivar University told pro-opposition daily El Universal that student activists from several universities had met December 2 to discuss how to react. Un Nuevo Tiempo (UNT) Political Director Angel Emiro Vera told Poloffs December 4 that opposition parties would meet on December 6 to discuss ways to unite against the amendment proposal.

¶18. (SBU) The pro-government Patria Para Todos (PPT) and Venezuelan Communist Party (PCV) called December 1 for a "debate" over the constitutional reform. PPT Secretary General Rafael Uzcategui stated that the discussion should consider removing term limits for all public officials, but added that he was not putting "conditions" on support for Chavez's proposal. PCV spokesman Yul Jabour emphasized that the party had not taken a position yet, but asked that "the people participate; the popular organizations be consulted." He added that the results of the November 23 elections show that "Chavez is a great leader, a great polarizer of elections."

COMMENT

¶19. (C) Some local polling indicates only about 30 percent of Venezuelans -- the hardcore Chavista contingent -- support indefinite presidential reelection. Nevertheless, Chavez is pitching the concept as giving the electorate more choice -- to keep him in power for the length of their choosing. His continued attacks on the opposition and mass press campaign to highlight PSUV wins in the November 23 elections underscore his efforts to keep the election season momentum going through a referendum in upcoming months.

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¶10. (C) Chavez appears to be gambling that his electoral strength is on the rise, or at least stronger now than it will be later when lower oil prices will affect the GBRV's ability to sustain its politically popular social programs. Some 5.4 million Venezuelans voted for PSUV gubernatorial candidates on November 23, while only 4.3 million Venezuelans voted for his failed constitutional reform package in December 2007. The amendment vote would be a real gamble, as four states (in addition to the five states that elected opposition governors) that voted for PSUV governors, voted against Chavez's constitutional package last year. End comment.

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